

REMARKS

This Preliminary Reply constitutes the proper Submission with the RCE being concurrently filed and fully complies with M.P.E.P. § 706.07(h)(II). Applicants have requested a Suspension of Action under 37 C.F.R. § 1.103 in the Request for Continued Examination Under 37 C.F.R. § 1.114 filed concurrently herewith.

Applicants respectfully request the Examiner to reconsider the present application in view of the foregoing preliminary amendments to the claims.

Status of Claims

In the present Reply, claim 1 has been amended. Thus, claims 1-18 are pending in the present application. No new matter has been added by way of the amendment to claim 1, since this amendment is supported by the present specification at least at page 35, lines 7-8.

Based upon the above considerations, entry of the present amendment is respectfully requested.

Issues Under 35 U.S.C. § 112, First Paragraph

Claims 1-18 stand rejected under 35 U.S.C. § 112, first paragraph, for asserted lack of written description (see paragraphs 1-2 of the outstanding Office Action). Applicants traverse in that this rejection is rendered moot. In particular, claim 1 now recites that the polymer is in the form of latex and is in the image-forming layer. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Conclusion


A Petition for Suspension of Time under 37 C.F.R. § 1.103 is being concurrently filed with this Preliminary Amendment. Another Preliminary Reply will follow within the requested three (3) months of suspended time.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Eugene T. Perez (Reg. No. 48,501) at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

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